

**IDEM
ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT
2003 - 2005**

MIDTERM ASSESSMENT

Region 5 Comments - Transmitted, April 6, 2005

This report reviews the activities of Region 5 and the Indiana Department of Environmental Management (IDEM) during the first half of the 2003-2005 Environmental Performance Partnership Agreement (EnPPA). This is the period from July 1, 2003 to June 30, 2004, and the report is based upon information from the "IDEM Midterm Assessment" of October 21, 2004.

Where there were no comments; it was assumed there was satisfaction with the document and its descriptions of State activities. The comments here are descriptions of activities accomplished by both IDEM and Region 5 and are grouped together where appropriate.

The headings and page numbers used here are from the "IDEM Midterm Assessment."

Office of Air Quality

Page 71 2.2.1.10 Coalition Building - Reducing environmental asthma triggers

Region 5 continues to serve as an advisor in the Environmental Quality and Public Education subcommittees of the Indiana Joint Asthma Coalition.

Page 75 2.2.2.6 Lake County SO₂ Redesignation Petition

The EnPPA activities that relate to Air Program Branch activities appear either completed or on schedule except for the activity related to the "Lake County SO₂ Redesignation Petition." IDEM was supposed to have completed rulemaking by June 30, 2004, and to submit the redesignation petition by December 31, 2004. This schedule was not followed. The new schedule calls for the redesignation petition to be submitted after the State Implementation Plan is submitted, but no later than September 30, 2005.

Page 77 2.2.2.8. Coke Oven Compliance Oversight

Region 5 role - Support State efforts to transfer oversight of coke oven compliance program to IDEM from steel mills.

Region 5 actions - In October 1993, U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries. Among other things, the rule requires visual inspections 365 days a year. A formula in the rule determines the amount of money to be paid to the enforcing agency to fund the daily inspections. IDEM did not have delegation for the rule, therefore, coke plants in Indiana had to hire their own contractors to perform the inspections.

IDEM now has authority to implement the rule, and has been developing a program to select, hire and oversee a contractor for inspections. The Region voiced support for IDEM's efforts in meetings with IDEM and the two coke plant operators. In an April 2004 meeting, the Region provided some history of the rule and explained how the IDEM proposal followed the rule's original intent. In a September 2004 follow-up meeting with numerous potential contractors, the Region attended and provided additional support.

Page 78 2.2.2.10 Toxics Monitoring

The Region provided monitoring and risk assessment guidance to IDEM. Washington Park in Indianapolis continues to operate as a part of the regional air toxics monitoring network. The Region tracks and provides necessary assistance. The Region participated in the evaluation of proposals as part of the National Air Toxics Monitoring Program Request for Proposals that included projects from Indiana. Region 5 is leading the effort to improve air toxics sampling/analysis methods and data compatibility, with participation by IDEM and other regional agencies.

Page 86 2.2.4.1 Issue Title V permits

The Region continues to meet its commitment to provide support to IDEM in their effort to complete issuance of the initial Title V permits by expediting permit reviews and recommending place holder language be placed in permits for sources subject to enforcement actions. In addition, the Region has been working cooperatively with IDEM to provide comments on draft State rules in an effort to support IDEM's State rulemaking timeframes.

Page 90 2.2.5.3 Planning Activities for Fine Particle Standard

The Region has partnered with IDEM to fund a near real time information system for the continuous PM 2.5 network. Most of the money came from the last PM 103 grant cycle. In fiscal year 2005, the Region will allocate an additional \$30,000 to complete the system.

Page 92 2.2.5.8 School 21 Air Toxics Assessment Project

Region 5 provided oversight of the Federal grant for the School 21 risk assessment and reduction project. The Region has also been actively providing assistance and technical guidance on the risk assessment related activities for the School 21 project. Region 5 is consulting with IDEM on dispersion modeling of sources in neighborhoods and is conducting the intersection modeling for use in the assessment. Additionally, the Region provided emission inventory information and pollutant toxicity data for consideration by the stakeholder group. Several monitoring data analysis related activities have also occurred, including reviewing an IDEM analysis of continuous monitoring data collected at the school and comparing School 21 collected data with national data.

Page 93 2.2.5.11 Air Toxics Inventory

The Region provides technical assistance to IDEM when the State submits emissions data to the National Emission Inventories data base.

Page 95 2.2.6.1 Ambient Air Monitoring

The Region reviews the data IDEM submits to Air Quality Subsystem for completeness on a three to six month basis. The Region also worked with IDEM regarding its networks in conjunction with the Regional Monitoring Strategy. The Region is also working with IDEM and the other Region 5 States to critique the process used to develop the original strategy and improve upon it.

Office of Land Quality

Page 141 2.7.5.1 Resource Conservation and Recovery Act (RCRA) Hazardous Waste Inspections of Treatment, Storage and Disposal facilities (TSDs)

The Region committed to conduct inspections at three State or local installations and at three Federal facilities. Region 5 carried out two TSD inspections and one Large Quantity Generator(LQG) inspection at local installations and two TSD and one LQG inspection at Federal facilities. In addition, Region 5 committed to inspect two operating TSDs and one LQG. These three inspections were accomplished as joint inspections with IDEM taking the lead. There were Boiler and Industrial Furnace units inspected at five TSDs as projected by the Region.

Page 143 2.2.4.5 PCB Inspections

The Region 5 Pesticides and Toxics Enforcement Section (PTES) enters data from FIFRA and TSCA tracking forms (FTTS) submitted by IDEM's PCB program into the FTTS data base. The information in FTTS is used by PTES and U.S. EPA headquarters to determine if IDEM met its inspection commitment. IDEM had committed to 32 inspections and did 33. PTES checks with IDEM to ensure that Region 5 has received a FTTS form for all inspections performed by IDEM and that data from those forms were accurately entered into the FTTS system. This is done on an ongoing basis.

PTES reviews inspection reports submitted by IDEM and provides comments where needed. The Region reviews these reports as they are submitted and the time between inspection and report submittal can vary depending on the size or complexity of the facility. After review, PTES issues the appropriate enforcement action or closes the file noting the facility was in compliance. Three enforcement actions were taken in 2004.

PTES also provided IDEM with targeting information, tips, and complaints, and updates and

revisions to the PCB rules. PTES and IDEM work collaboratively to determine facilities for inspections.

Page 147 2.7.7.1 Rule Development

The text refers to a 2003 update second notice, but the second notice was actually done in May 2004. With a draft ARA also submitted, the percent completed should be higher than the 35% shown.

Office of Water Quality

Page 236 2.13.2.3 Focus Water Quality Monitoring

Region 5 has worked with IDEM throughout the year to review and strengthen the current monitoring strategy. The highlights of the year include:

- Region 5 and IDEM staff held a two-day (October 29 and 30, 2003) meeting in Indianapolis to discuss State monitoring strategy. The Region provided written draft comments to IDEM on December 31, 2003.
- Future: The Region will continue to work with IDEM to implement the monitoring strategy and undertake additional revisions as required.

2004 Consolidated List (Integrated Water Quality Report) - IDEM submitted the 2004 Integrated report electronically on April 1, 2004, and in hard copy and on a CD on April 6. The electronic data updates were submitted on the same dates. For electronic data assessment, IDEM uses the ADB, version 1.1.3, modified. There were no significant problems associated with these submissions.

Indiana was the first State in the nation to use probability-based sampling design as part of the water monitoring network, and incorporate the sampling results into the State's water quality assessments.

STORET - IDEM and Region 5 are working with the Research Triangle Institute (RTI) to create an upload file from the internal database (Assessment Information Management System [AIMS]) to STORET, utilizing funds provided by the Region. At present, RTI has evaluated the AIMS data base, and has determined what is needed to get the AIMS data into a STORET-ready file. IDEM is also considering a grant-funded project to create a Web-ready front end for AIMS, so that all IDEM employees will have access to the data.

Bioassessment, Large Rivers, Biocriteria - Region 5 and MBI met with IDEM on March 24 and 25, 2004, for the second visit for review of their bioassessment and biocriteria program.

Regarding the Section 104(b)(3) project, "Evaluation and Development of Large River Biological Assessment Methods and Standardized Protocols for Region 5" six sites were

sampled in August on the Kankakee River and seven sites on the Wabash River. All of these sites were later sampled by IDEM.

Nutrients - Region 5 hosted monthly State conference calls to provide a forum for States and Federal agencies to exchange information on nutrient criteria development. The Region hosted two RTAG meetings to facilitate coordination among State agencies and other groups that are conducting research related to nutrient criteria development. The Region reviewed proposals for funding through U.S. EPA's national nutrient program. Region 5 continued to forward State monetary and technical needs and requests to the U.S. EPA national nutrient program office for consideration. The Region reviewed IDEM's annual update to its nutrient criteria development plan in early May, 2004.

E. Coli Standards - Region 5 has been participating on conference calls with the E. Coli Triennial Workgroup, which is in the process of developing draft rule language on bacteriological standards for Indiana.

Also in support of Regional Priorities (Regional Goal 3, Safe Swimming) the Region has been working with IDEM as technical contact for the State's Beaches Protection Grant, to help with development and implementation of the State's beach monitoring and notification program.

Water Quality Standards - Region 5 provided on-going technical assistance to IDEM and its advisory committees. Technical assistance includes participation in advisory committee meetings (either in person or via teleconference), responding to questions, providing preliminary reviews of proposed rule language, and coordinating issues with U.S. EPA headquarters.

Although IDEM has made significant progress on its overdue triennial review of the Indiana Water Quality Standards, Region 5 is concerned that parts of the triennial review are behind schedule. The Region requests that IDEM provide a revised schedule and milestones to complete the fast track rules for the separate pieces of the triennial water quality standards rulemaking (e.g., antidegradation).

Page 241 2.13.2.4 Increase Efforts to Maintain Safe Drinking Water

Source Water Protection - Region 5 worked with a number of EPA programs to enhance protection efforts, including: a) the NPDES program of sharing location information on drinking water intakes and discharge outfalls and getting spill/release notification language into NPDES permits; b) the water enforcement program to identify combined sewer overflow (CSO) outfalls near drinking water intakes to prioritize enforcement work; and c) the water quality standards program to examine methods of assessing drinking water designated uses.

In addition to internal programs, Region 5 has worked with external parties to further protection. Region 5 has worked on improving the relationship between the source water program and the National Rural Water Association technicians by providing input on the ground water and source water annual work plans and by facilitating discussion on providing access to source water

assessments. Region 5 also worked with the States and U.S. EPA Headquarters to recommend a change in the Farm Service Administration's criteria for determining the eligibility of land for the Conservation Reserve Program. The proposal put forth was for including actual wellhead protection areas rather than an arbitrary 2000 foot radius from the well.

Data Quality - Region 5 and IDEM jointly developed a data reliability action plan in 2004, which will help ensure the accuracy and completeness of Safe Drinking Water Information System (SDWIS) data submissions. In cleaning up the database, IDEM significantly decreased its unaddressed exceptions list in 2004.

Compliance and Enforcement - Region 5 worked cooperatively with IDEM on enforcement referrals. IDEM's monitoring program for small systems has helped reduce non-compliance, and the Region supports any initiative by the State to expand this program to include more systems.

Page 247 2.13.2.5 Complete All Source Water Assessments

IDEM has had an issue with the completion of Source Water Assessments. IDEM had a contract with USGS to do some of the assessment work, but recently discovered that an additional \$100,000 is needed to complete the work. IDEM has funds which can be used for this and this should make it possible for the work to be done close to the May 31, 2005, EnPPA commitment completion date.

Page 265 2.13.2.10 Use Good Science and Sound Policy to Shape and Implement Water Quality Standards

IDEM has worked hard and made progress, but the long overdue triennial review is still behind schedule. Region 5 requests a revised schedule showing milestones to complete the fast track rules for the separate pieces of rulemaking. These include such items as revised E. coli criteria, mercury criteria, site-specific criteria and antidegradation. According to the dates contained in the EnPPA, the State is behind in all rulemaking.

7. Quality Assurance (QA) and Quality Management Plan (QMP)

Region 5 conducted an assessment of IDEM's quality system during the week of August 16, 2004. The Region 5 team included the Regional QA Core, WPTD, SFD, WD and ARD QA staff. A closing briefing was presented to IDEM on August 19, 2004. Region 5 will prepare a draft report which is scheduled to be sent to IDEM at the end of April 2005. The Region believes that the assessment findings will necessitate corrective actions for some aspects of IDEM's quality system. IDEM is expected to provide a response to the draft report including the proposed corrective actions. Region 5 would finalize the report based on IDEM's input. A meeting will be held to review the draft report before it's submitted to IDEM.

The original IDEM QMP was approved by the Region on August 10, 2001, with an expiration

date of June 30, 2004. Due to IDEM staff concerns and the value the Region's assessment would be in revising the QMP, the OMP's effective date was extended through December 31, 2004, in a June 16, 2004, letter from the Regional Administrator.

The EnPPA stated that processes and implementation of assessments of IDEM's system (i.e. internal assessments of IDEM by IDEM) would be initiated by June 30, 2004. Based upon preliminary findings from the Region's August 2004 assessment these IDEM internal processes and assessments are not complete.

